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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 50

Animals Destroyed Because of Tuberculosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations relating to the payment of indemnity for animals destroyed because of tuberculosis. More equitable compensation to owners of such cattle and payment of indemnity for swine destroyed because of exposure to tuberculosis is needed. The effect is to safeguard the public from tuberculosis by providing an effective tuberculosis eradication program.

EFFECTIVE DATE : May 9, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. R. W. Bennett, USDA, APHIS, VS, Federal Building, Room 802, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8715.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8695.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "significant".

On Tuesday, January 8, 1980, there was published in the **Federal Register** (45 FR 1622-1625) a proposed rulemaking that would amend the regulations relating to the payment of indemnity for animals destroyed because of tuberculosis.

A 60-day comment period was provided for receipt of comments which expired March 10, 1980. A total of twenty-two comments (10 from individuals, 7 from State officials, and 5 from industry groups) were received, all in support of the proposal. After due consideration of these comments, this final rule is published as proposed with only minor editorial changes.

Accordingly, Part 50, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 50.1 a new paragraph (q) is added to read:

§ 50.1 Definitions.

* * * * *

(q) "Tuberculosis:" The contagious, infectious, and communicable disease of cattle caused by *Mycobacterium bovis.*

2. The heading and text of § 50.3 is amended to read:

§ 50.3 Payment to owners for animals destroyed.

(a) *Affected cattle.* The Department may pay owners an indemnity for cattle affected with tuberculosis not to exceed $750 for each animal, but any joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(b) *Herd depopulation—cattle.* The Deputy Administrator may authorize the payment of Federal indemnity to owners of cattle destroyed because of tuberculosis, not to exceed $450 for any animal which is a part of a known affected herd, when it has been determined by the Deputy Administrator that the destruction of all the exposed cattle in the herd will contribute to the Tuberculosis Eradication Program; but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(c) *Exposed cattle.* The Deputy Administrator may authorize the payment of Federal indemnity to owners of cattle destroyed because of tuberculosis not to exceed $450 for any animal which has been found by Veterinary Services to have been exposed by reason of association with tuberculous cattle, when it has been determined by the Deputy Administrator that the destruction of the exposed cattle will contribute to the Tuberculosis Eradication Program; but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(d) *Exposed swine.* The Deputy Administrator may authorize the payment of Federal indemnity to owners of swine destroyed because of tuberculosis not to exceed $200 for any animal, when such animals are found by Veterinary Services to be exposed to tuberculosis by reason of association with a herd of cattle destroyed under § 50.3(b); but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

3. The heading and introductory paragraph of § 50.6 is amended and a new paragraph (c) is added to § 50.6 to read:

§ 50.6 Identification of animals to be destroyed because of tuberculosis.

Animals to be destroyed because of tuberculosis must be identified within 15 days after being classified as reactors or otherwise condemned because of tuberculosis, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for identification to 30 days when a request for such extension is received by him prior to the expiration date of the original 15-day period allowed.

* * * * *

(c) *Exposed swine.* Swine destroyed under the provisions of § 50.3(d) shall be identified by tagging with a serially numbered metal eartag attached to either ear. All such animals to be destroyed shall be transported to the place of destruction in vehicles closed with seals provided by Veterinary Services or shall be accompanied to the place of destruction by a Veterinary Services or State representative. *Provided, however,* That animals destroyed and disposed of under the direct supervision of a Veterinary Services or State representative on the premises where they were exposed do not require individual identification.

4. The heading of § 50.7 is amended by deleting the word "cattle" and adding the word "animals."

§ 50.7 Destruction of animals.

* * * * *

5. Section 50.7(a) is amended by adding immediately after the (a) and before the first sentence therein the phrase *"Slaughter or disposal."*

6. The first word of the first sentences of paragraphs (a) and (b) of § 50.7 are amended by deleting the word "Cattle" and adding the word "Animals" in lieu thereof.

7. The heading and text of § 50.8 is amended to read:

§ 50.8 Payment of expenses for transportation and disposal of carcasses of affected animals.

The Department may pay, when approved in advance in writing by the Veterinarian in Charge, one-half the expenses for destruction, burial, incineration, rendering, or otherwise disposing of affected cattle and one-half the expenses of transportation of affected cattle to the point where disposal shall take place. Claims for such payment shall be made on forms furnished by Veterinary Services and shall be signed by a Veterinary Services or State representative or jointly and by the owner certifying his acceptance of the amount claimed. No portion of expenses of disposal or transportation provided by the owner of affected animals shall be paid by the Department.

8. The text of § 50.9 is amended to read:

§ 50.9 Appraisals.

Animals to be destroyed because of tuberculosis under § 50.3 shall be appraised within 15 days after being classified as affected, or otherwise condemned because of tuberculosis, by an independent professional appraiser at Veterinary Services expense, except that the Veterinarian in Charge may waive the requirement for an independent professional appraiser for reasons satisfactory to him. When animals are thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Animals presented for payment as registered shall be accompanied by their registration papers. If the registration papers are temporarily not available, or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers. Veterinary Services may decline to accept any appraisal that appears to be unreasonable or out of proportion to the value of animals of like quality.

9. Paragraph (b) of § 50.14 is amended to read:

§ 50.14 Claims not allowed.

* * * * *

(b) If all cattle 2 years of age or over in the claimants herd have not been tested for tuberculosis under Veterinary Services or State supervision: *Provided, however,* That cattle destroyed because of tuberculosis under § 50.3(b) and § 50.3(c) are exempt from this requirement, if the cattle are subjected to a post-mortem examination for tuberculosis by a Federal or State veterinarian.

(Secs. 3, 4, 5, 11, and 13, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 3, 76 Stat. 130 (21 U.S.C. 111–113, 114, 114a, 114a-1, 120, 121, 125, 134b); 37 FR 28464, 28477; 38 FR 19141)

This amendment provides a more equitable compensation to owners of cattle and payment of indemnity for swine destroyed because of exposure to tuberculosis. The effect is to safeguard the public from tuberculosis by providing an effective tuberculosis eradication program.

Since publication of the proposal January 8, 1980, program activities have come to a virtual standstill. Owners of herds exposed to tuberculosis are refusing to permit testing and owners of affected herds are refusing to depopulate pending the increase in Federal indemnity rates, provided by this document.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

This final rule is the result of the scheduled review of 9 CFR Part 50. To meet the requirements of Executive Order 12044, "Improving Government Regulations," and Secretary's Memorandum 1955, "Improving USDA Decisions and Regulations," 9 CFR Part 50 was scheduled for review in the **Federal Register** (43 FR 50992) on November 1, 1978. The review is now complete. Title 9, CFR Part 50, will next be proposed for review in 1985 unless regulatory objectives or public interest warrant an earlier review.

Done at Washington, D.C., this 9th day of May 1980.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-15105 Filed 5-15-80; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 80-285]

Branching of Federal Associations

Correction

In FR Doc. 80-14580, appearing on page 31046, in the issue of Monday, May 12, 1980, the "EFFECTIVE DATE" should have read: "January 1, 1981."

BILLING CODE 1505-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1202

[Docket No. D-0002]

Rules Regarding Availability of Information

AGENCY: Depository Institutions Deregulation Committee ("Committee").

ACTION: Final rule with request for comments.

SUMMARY: In accordance with the Freedom of Information Act (the "Act"), 5 U.S.C. 552, the Committee has adopted regulations setting forth the basic policies of the Committee regarding information it maintains and the procedures for obtaining access to such information.

DATES: May 6, 1980. Although the Committee has adopted the regulations as final, public comment is requested on or before June 16, 1980, on the schedule of fees for services performed in response to requests for records under the Act provided in section 1202.3(f).

ADDRESS: All comments should be submitted in writing to Normand R. V. Bernard, Executive Secretary, Depository Institutions Deregulation Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. All material submitted should include the Docket Number D-0002.

FOR FURTHER INFORMATION CONTACT: Anthony F. Cole, Senior Attorney (202/452-3612) or Daniel Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The provisions of 5 U.S.C. 553 relating to notice and public participation and to deferred effective date are not followed in connection with the adoption of this Part because the rules involved are procedural in nature. Pursuant to its authority under 5 U.S.C. 552, the Committee, effective May 6, 1980, adopts this Part (12 CFR Part 1202) as follows:

PART 1202—RULES REGARDING AVAILABILITY OF INFORMATION

Authority: 5 U.S.C. 552.

§ 1202.1 Basis and Scope.

This Part is issued by the Depository Institutions Deregulation Committee ("Committee") pursuant to the requirement of section 552 of Title 5 of the United States Code and sets forth the basic policies of the Committee regarding information it maintains and the procedures for obtaining access to such information.

§ 1202.2 Definitions.

For the purposes of this Part, the term "records of the Committee" means rules, statements, orders, memoranda, letters, reports, accounts, information obtainable only by processing through a computer or other information systems program, and other papers containing information of the Committee that constitute part of the Committee's official files.

§ 1202.3 Published information.

Pursuant to sections 552 and 553 of Title 5 of the United States Code, the Committee publishes and following information in the Federal Register for the guidance of the public: (1) Descriptions of its central organization and the established place at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions; (2) Rules of organization and procedure; (3) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Committee; (4) Every amendment, revision or repeal of the foregoing; and (5) Notices of proposed rulemaking.

§ 1202.4 Records available to the public upon request.

(a) General Rule—Subject to the limitations of § 1202.5(a) of this Part, all records of the Committee, whether or not published under § 1202.3, are made available to any person, upon request, for inspection and copying in accordance with the provisions of section 552 of Title 5 of the United States Code and this Part.

(b) Obtaining Access to Records—Records of the Committee subject to this section are available for public inspection or copying during regular business hours on regular business days at the office of the Executive Secretary of the Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Every request for access to such records shall be submitted in writing to the Executive Secretary of the Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Such request shall state the name and address of the person requesting such access, shall clearly indicate whether such request is an initial request or an appeal from a denial of information requested pursuant to the Freedom of Information Act, and shall describe such records in a manner reasonably sufficient to permit identification without difficulty.

(c) Actions on Requests—The Executive Secretary of the Committee shall, within 10 working days after receipt of a request for records, either comply with or deny such request unless such time period is extended pursuant to paragraph (e) of this section, in which event the Executive Secretary shall acknowledge receipt of the request within the 10-day period and indicate the reason for such delay and the date on which it is expected that a determination as to disclosure will be dispatched. A response denying a request for a record shall be in writing signed by the Executive Secretary and shall specify the reason for such denial and include a statement informing the requester that the denial may be appealed as provided in paragraph (d) of this section.

(d) Appeal of Denial of Access to Records—Any person denied access to records of the Committee, properly requested in accordance with paragraph (b) of this section, may within 20 days after notification of such denial file a written request with the Executive Secretary of the Committee for review of such denial. The Committee shall make a determination with respect to any such appeal within 20 working days of its receipt. The Executive Secretary of the Committee shall immediately notify the appealing party of the Committee's decision on the appeal and of the right to seek court review of any decision which upholds, in whole or in part, the refusal of the Executive Secretary of the Committee to make available the requested records. The granting or denial of a request upon appeal shall constitute final agency action.

(e) Extension of Time to Act Upon Requests—In unusual circumstances as provided in 5 U.S.C. 552(a)(6)(B), the time limitations imposed upon the Executive Secretary of the Committee or the Committee in paragraphs (c) and (d) of this section may be extended by written notice to the requesting party for a period of time not to exceed a total of ten working days.

(f) Fee Schedule—A person requesting access to or copies of particular records shall pay the costs of searching for and copying such records at the rate of $10 per hour for searching and 10 cents per standard page for copying. With respect to records obtainable only by processing through a computer or other information systems program, a person requesting such records shall pay a fee not to exceed the direct and reasonable cost of retrieval and production of the records requested. Detailed schedules of such charges are available upon request from the Executive Secretary of the Committee. Documents may be furnished without charge or at a reduced charge where the Executive Secretary of the Committee determines the waiver or reduction of the fee is in the public interest because furnishing the records can be considered as primarily benefitting the general public or where total charges are less than $2.

§ 1202.5 Exemptions from disclosure.

(a) General Rule—Except where the public interest indicates otherwise, information in the records of the Committee that is not available to the public through other sources and is exempted from required disclosure by the provisions of section 552(b) of Title 5 of the United States Code is not available for inspection and copying. Information exempted from required disclosure includes information:

(1)(A) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute (other than section 552b of Title 5 of the United States Code), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other

than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes (but only to the extent provided in the Freedom of Information Act (5 U.S.C. 552(b)(7)); or

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

By order of the Committee, May 6, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-15027 Filed 5-15-80; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Shared and Proprietary Remote Service Units; Statement of Interpretation and Policy

AGENCY: National Credit Union Administration.

ACTION: Statement of interpretation and policy.

SUMMARY: The purpose of this Statement is to set forth the Administration's policy concerning remote service units, to provide guidance and to set forth safe and sound practices and procedures for use in implementing and operating remote service units.

EFFECTIVE DATE: May 16, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Layne L. Bumgardner, Chief, Credit Union Operations Section, Office of Examination and Insurance, at the above address. Telephone (202) 357-1065.

SUPPLEMENTARY INFORMATION: Section 721.3 of the National Credit Union Administration Rules and Regulations was implemented on August 21, 1974 and provides that credit unions, associations of credit unions and other parties interested in credit union programs may submit pilot programs (relating to electronic funds transfer through remote service units, loan programs and other operational systems) to the Administration for evaluation and review. (Such pilot programs require Administration approval and carry a termination date.) The intent of the regulation is to permit experimentation with new programs in order to provide an experience base on which the Administration may evaluate whether the activity should be made permanent because of its benefit to the credit unions and parties served.

Under the regulation, the Administration approved a variety of experimental programs including share drafts, correspondent credit unioning, proprietary (exclusive use by the credit union's own members) and shared automated teller machines (ATMs), customer bank communication terminals (CBCTs), point of sale (POS) terminals and others. Share drafts now operate under § 701.34 of the National Credit Union Administration Rules and Regulations. Previously, the use of proprietary ATMs had been determined not to be experimental and did not require Administration approval for implementation. Up to this time shared ATMs, CBCTs, and POS programs continued to operate under § 721.3 of the National Credit Union Administration Rules and Regulations as experimental pilot programs.

Experience

The first shared ATM program was approved on June 13, 1975. As of December 31, 1979, there were 20 shared ATM and POS programs approved. Of this total 12 programs were in operation involving 28 Federal credit unions and 89,621 cardholders. During the quarter ended December 31, 1979, 135,790 transactions were placed through the equipment amounting to $11,579,871. The experience of credit unions participating in these programs has been favorable with only minimal operational difficulties encountered. The Administration concludes it has obtained a sufficient experience base on which to reach a decision as to whether or not the programs should be made permanent in accordance with § 721.3(d) of the National Credit Union Administration Rules and Regulations.

IRPS: 80-5

Definitions

a. Automated Teller Machine (ATM)—Automated teller equipment (also referred to by the terms cash dispenser, robot banking, total teller, unmanned tellers, vestibule banking and customer bank communication terminals (CBCT's)) consists of unmanned equipment activated by a customer of a financial institution to obtain services. These services include dispensing of cash, accepting deposits, and transferring funds between a customer's various accounts. The equipment is generally activated by a plastic card which has a magnetic stripe that can be read by the terminal and pushbuttons which are used to key in a personal identification number (PIN) and the transaction information. The equipment may be located on the premises of the financial institution or at a separate location.

b. Point-of-Sale (POS) Terminals—POS terminals/systems accomplish EFT functions for retail establishments. The POS system enables the merchant to do any or all of the following functions through the terminals in a place of business: (1) Credit authorization; (2) Check or draft authorization; (3) Electronic debiting of a customer's credit account and crediting the merchant's deposit account; and, (4) Electronic transfer of funds from the customer's deposit account to the merchant's deposit account.

Check or draft authorization is generally accomplished by manual inputs on terminals by either the customer or the merchant's employee. The other functions are generally accomplished by inserting plastic cards (debit, credit or dual purpose) into terminals and by the merchant's employee keying in the transaction. Plastic cards used in POS terminals also include a magnetic stripe and the customer also identifies him/herself with a unique personal identification number.

c. Remote Service Unit (RSU) as used in this Policy Statement is defined as unmanned electronic equipment that may be operated by either an individual (self-activated) or a merchant (merchant-activated) to initiate a funds transfer from a member's share and/or loan account in the credit union. The term includes, but is not limited to, point-of-sale terminals, automated teller machines, cash dispensing machines, and Customer Bank Communication Terminals.

Determination

The National Credit Union Administration Board (NCUA Board) has determined that remote service units do provide an effective benefit to credit unions and their members, that Federal credit unions have demonstrated a capability to carry out such activity, and that the use of this type of equipment, whether in a proprietary or shared arrangement, does fall within the permissible powers of Federal credit unions. The NCUA Board also has determined that members or customers of another financial institution involved in a shared remote service unit